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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-690**

13 **TIFFANY DAWN ALLISON**  
14 **252 Calle Marguerita #C**  
15 **Los Gatos, CA 95032**  
16 **Registered Nurse License No. 759025**

**ACCUSATION**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 31, 2009, the Board of Registered Nursing issued Registered  
23 Nurse License Number 759025 to Tiffany Dawn Allison (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought in this Accusation  
25 and will expire on December 31, 2012, unless renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)  
5 (Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (b))

6 12. Respondent has subjected her registered nurse license to disciplinary action under  
7 Code section 2761, subdivision (a), as defined by Code section 2762, subdivision (b), in that she  
8 engaged in unprofessional conduct by using alcohol in a dangerous manner. The circumstances  
9 are as follows:

10 13. On or about April 15, 2010, at approximately 11:10 p.m., the manager on duty at a  
11 Walgreens store on El Camino Real in Santa Clara, California, noticed a red vehicle parked in the  
12 Walgreens parking lot. The vehicle's engine was running and the lights were on. While the  
13 manager made his rounds in the parking lot, he noticed that the vehicle had not moved and the  
14 engine was still running. The manager drove his car up to the vehicle and observed Respondent  
15 slumped over in the driver's seat with her face resting on the steering wheel. At approximately  
16 11:33 p.m., the manager called 911 and waited next to Respondent's vehicle until the police  
17 arrived. At approximately 11:35 p.m., two Santa Clara Police Officers (Officer 1 and Officer 2)  
18 were dispatched to the Walgreens parking lot for a welfare check on Respondent. When Officer 1  
19 arrived, he observed Respondent's vehicle stopped on the southern side of the Walgreens  
20 driveway facing westbound, opposite the direction of travel and blocking traffic. Officer 1  
21 observed Respondent sitting in the driver's seat of her vehicle, slumped over to her right,  
22 apparently asleep. Officer 1 knocked on the driver's-side window and Respondent shook and sat  
23 upright, appearing confused. Officer 1 opened the driver's side door and told Respondent to turn  
24 the vehicle off. Officer 1 immediately smelled a strong odor of alcohol. Respondent stated, "My  
25 friends drove me home, I wasn't driving." When Officer 1 asked Respondent how much she had  
26 had to drink that night and where she was coming from, Respondent appeared confused. Officer  
27 1 asked Respondent to step outside of the vehicle. Respondent staggered when she stood up and  
28 stated that she did not know where she was. Officer 1 observed Respondent lean against her

1 vehicle to maintain her balance. He also noticed that Respondent's speech was slow and slurred,  
2 and her eyes were red and watery. Officer 1 determined that conducting Field Sobriety Tests on  
3 scene was unsafe due to Respondent's confused state and inability to stand or walk without  
4 assistance. Meanwhile, Officer 2 obtained a statement from the Walgreen's manager.

5 14. Officer 1 arrested Respondent for driving under the influence of alcohol and  
6 transported her to the Santa Clara Police Department, where Respondent consented to a  
7 breathalyzer test. The results of the first test, taken at 12:53 a.m., showed that Respondent had a  
8 blood alcohol content of .26 percent. The results of the second test, taken at 12:56 a.m., showed  
9 that Respondent had a blood alcohol content of .24 percent. After waiving her Miranda rights,  
10 Respondent told Officer 1 that she left work as a registered nurse at a medical facility in  
11 Mountain View that evening at 6:45 p.m. She then went to the "V Bar" at Santana Row with  
12 some friends from work and a surgeon. Respondent stated that she began drinking at  
13 approximately 7:30 p.m., and that she consumed one martini, two shots of liquor, and a glass of  
14 white wine. Respondent could not recall what time she stopped drinking or when she left the bar.  
15 Officer 1 administered a series of field sobriety tests to Respondent, which she performed poorly.

#### 16 SECOND CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct – Conviction)

18 (Bus. & Prof. Code §§ 490, 2761 subd. (f), 2762, subd. (c); Cal. Code Regs, tit. 16, § 1444)

19 15. Complainant realleges the allegations contained in paragraphs 12 through 14 above,  
20 and incorporates them by reference as if fully set forth.

21 16. Respondent has subjected her registered nurse license to disciplinary action under  
22 Code sections 490, 2761, subdivision (f), and 2762, subdivision (c), as well as California Code of  
23 Regulations Title 16, section 1444 in that she was convicted of a crime involving the  
24 consumption of alcohol which is substantially related to the qualifications, functions, and duties  
25 of a registered nurse. Specifically, on or about July 15, 2010, in a criminal matter entitled *The*  
26 *People of the State of California v. Tiffany Allison*, in Santa Clara County Superior Court, Case  
27 Number C1075650, Respondent was convicted by plea of nolo contendere of one count of  
28 violating Penal Code section 23152, subdivision (b) (driving under the influence of alcohol with a

1 blood alcohol content of .08 percent or more), a misdemeanor. Respondent was sentenced to 12  
2 days in jail and ordered to pay various fees and fines.

3 DISCIPLINE CONSIDERATIONS

4 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
5 Complainant alleges that on or about October 23, 2002, in a criminal case entitled *City of*  
6 *Lawrence v. Tiffany Dawn Allison*, in the Municipal Court of Lawrence, Kansas, Docket Number  
7 0200151776, Respondent entered a Diversion Agreement with the City based upon Respondent  
8 being charged with the following offenses on or about July 12, 2002: driving under the influence  
9 of liquor or drugs, driving without lights, and unlawful use of a driver's license. The Diversion  
10 Agreement required Respondent to complete the requirements of an alcohol treatment program  
11 and comply with any recommendations of such program, pay various fees and fines, and not  
12 violate the law. If Respondent fulfilled the terms of the Diversion Agreement, the Court would  
13 dismiss with prejudice the charges filed against her on or about July 12, 2002.

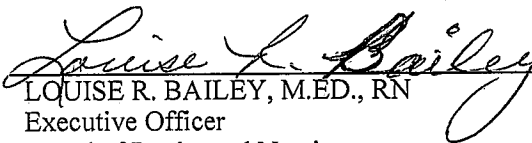
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 759025, issued to Tiffany Dawn Allison;
2. Ordering Tiffany Dawn Allison to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

2/7/11



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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